**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CRIMINAL APPELLATE JURISDICTION**
**CRIMINAL APPLICATION NO.4312 OF 2005**

Imran Gulam Rasool Shaikh ...Applicant
vs.
1.The Senior Inspector,
Agripada Police Station,Mumbai

2. State of Maharashtra ...Respondent

Mr.Zakir Hussain for the Applicant
Mr.U.V.Nikam,A.P.P. for State

**CORAM: A.S.OKA,J.**
**DATE : JULY 15,2005.**

**P.C.:**

1. Heard Advocate for the Applicant and the learned A.P.P. for State. The allegation against the Applicant is of assaulting a married woman in a broad day light on a footpath in the city of Mumbai. The material against the Applicant is in the form of complaint lodged by the friend of the injured who was at the relevant time with the injured. There is a recovery of weapon at the instance of the Applicant. The report of the Chemical Analyser shows that the weapon had blood stains of the blood group of the victim. The medical certificate shows that the victim had about 18 stab injuries on different parts on the person of the injured. The stab injuries are on the back, on the chest and one of the stab injury is on the abdomen.

2. The learned Counsel for the Applicant relied upon the alleged Affidavit of the victim which is annexed to this Application. He stated that the victim had love affair with

the Applicant and now she has filed Affidavit stating that she has no objection if the Applicant is enlarged on bail as he is looking after her and her children. The learned Counsel for the Applicant submitted that the Applicant is in custody for about last six months. Placing reliance on the Judgment reported in 1997 VI L.J. 323 (NOC) he submitted that the Applicant is entitled to be enlarged on bail. The learned A.P.P. on instructions submitted that the Affidavit has been taken from the victim under coercion. He has placed on record various documents showing complicity of the Applicant.

3. This is a case where in a broad day light in the city of Mumbai on a footpath a married woman has been assaulted by the Applicant and there are 18 stab injuries on her person. As stated earlier there is supporting evidence in the form of recovery of the weapon and report of the Chemical Analyser. For enlarging the Applicant on bail no reliance can be placed on the Affidavit of the victim. As stated earlier the learned A.P.P. on the instructions of the concerned Officer stated that the Affidavit has been obtained under coercion. Looking to the gravity of the allegations and nature of the offence, this is not a case where the Applicant is entitled to be enlarged on bail. Application is rejected. Liberty to the Applicant to apply for expeditious disposal of the trial.

**JUDGE**